

Docket No.: 5000-001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Anatole LOKSHIN	:	Confirmation: 7304
U.S. Patent Application No. 10/619,619	:	Group Art Unit: 3661
Filed: July 16, 2003	:	Examiner: RICHARD M. CAMBY
For: INTELLIGENT MODULAR NAVIGATION INFORMATION CAPABILITY	:	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Responsive to the Final Official Action mailed September 7, 2006, the following reasons are submitted in conjunction with the pre-appeal brief conference request.

Applicants respectfully request review of the final rejections of claims 1-29 as manifested in the Final Office Action. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal in compliance with *37 CFR 41.31* and the fee set forth in *37 CFR 41.20(b)(1)*.

The review is requested for the reasons stated on the attached sheets.

REASONS

Responsive to the Final Official Action mailed September 7, 2006, the following reasons are submitted in conjunction with the pre-appeal brief conference request.

Claims 1-29

First, the Patent and Trademark Office (PTO) asserted in the Final Office Action mailed September 7, 2006 that *Yofu* provides “information to a user device responsive to commands from the user device” as claimed in the present claimed subject matter. The PTO continues stating that the *Yofu* “navigation device 14 **receives** information from the input section 22 and information transmission section 23.” Official Action at page 2 (emphasis added). On its face, the PTO’s assertion fails because the claim recites “a navigation device adapted for . . . transmitting navigation information to the user device” which is neither found in *Yofu* nor asserted to be found in *Yofu* by the PTO. Further specifically, client-side terminal device 11 of *Yofu* fails to receive navigation information from navigation apparatus 14. Nor does *Yofu* disclose navigation apparatus 14 transmitting navigation information to client-side terminal device 11. See, e.g., FIG. 2 in which information flows from device 11 to shop side terminal device 13 or navigation apparatus 14 via navigation server apparatus 12 and not from navigation apparatus 14 to device 11. For at least this reason, the rejection of claims 1, 9, and 17 is respectfully requested to be withdrawn.

Second, the PTO asserts that *Yofu* discloses a navigation device arranged to perform map matching. The PTO is incorrect as *Yofu* fails to disclose at least a navigation device arranged to perform map matching. Map matching comprises correlating a vehicle position with a nearest road on a map. *Yofu* appears to describe position information comprising solely latitude and longitude information and fails to describe correlating such a position with a road on a map. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, the PTO asserts that *Yofu* meets the claimed limitation by “processing device 10 is on the vehicle and communicates through device 22 to **an off vehicle server that performs map matching.**” Official Action at page 2, final sentence bridging to page 3 (emphasis added). Per the PTO’s assertion the *Yofu* navigation device does not appear to perform map matching,

rather, an off vehicle server performs the map matching. For at least this additional reason, withdrawal of the rejection is respectfully requested.

Further still, *Sekiyama* fails to cure the deficiencies of *Yofu* because *Sekiyama* fails to disclose that the navigation device performs or is arranged to perform map matching (as in claims 1, 9, and 17) or routing (as in claims 25, 28, and 29). *Sekiyama* describes a center navigation engine 102 that provides data necessary for navigation function and a contents integration engine 101 for integrating map data or route data to a destination, each of which is resident and operating on an information center which includes “a plurality of servers and databases.” *Sekiyama* at column 5, lines 15-20. *Sekiyama* appears to describe navigation functionality performed at a server remote from the on-vehicle information processing device 10. For at least this additional reason, withdrawal of the rejection is respectfully requested.

Third, the PTO recites that “[c]laims 1-8, 9-16, and 17-24 each recite similar patentable limitations.” Present OA at page 3, line 5.

Fifth, the PTO asserts that claims 25-29 recite no new limitations “that cannot be construed from the abstract of *Sekiyama*; however, the PTO has failed to identify where in the abstract of *Sekiyama* there is a teaching of at least the navigation device being arranged to perform routing responsive to commands received from the user device. As described above, *Sekiyama* appears to describe the navigation functionality as being performed at a server remote from the on-vehicle information processing device 10. Further, the PTO has failed to identify where in *Yofu* the limitations of claims 25-29 are found. For at least this reason, claims 25-29 remain patentable over *Yofu* and *Sekiyama* and rejections based thereon should be withdrawn.

For each of the foregoing reasons, claim 1 is patentable over *Yofu* singly or in combination with *Sekiyama* and the rejection should be withdrawn.

Claims 2-8, 21, 22, and 25-27 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over *Yofu* for at least the reasons advanced above with respect to claim 1. For at least this reason, the rejection of claims 2-8, 21, 22, and 25-27 should be withdrawn.

Claim 9 is patentable over *Yofu* for at least reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn.

Claims 10-16, 23, 24, and 28 depend, either directly or indirectly, from claim 9, include further important limitations, and are patentable over *Yofu* for at least the reasons advanced above with respect to claim 9. The rejection of claims 10-16, 23, 24, and 28 should be withdrawn.

Claim 17 is patentable over *Yofu* for at least reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn.

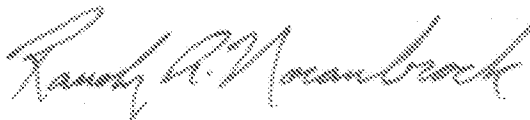
Claims 18-20 and 29 depend, either directly or indirectly, from claim 17, include further important limitations, and are patentable over *Yofu* for at least the reasons advanced above with respect to claim 17. The rejection of claims 18-20 and 29 should be withdrawn.

For each of the foregoing reasons, the rejection of claims 1-29 should be withdrawn.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

Anatole LOKSHIN et al.

A handwritten signature in dark ink, appearing to read 'Randy A. Noranbrock', is written over a light, dotted grid background.

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December 7, 2006

KMB/RAN/